

Remarks/Arguments

This paper is submitted responsive to the Office Action mailed May 14, 2009. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

In the office action, the claims are rejected over various prior art references. Dependent claim 9 specifically is rejected over Finn in view of Steele. By the present amendment, independent claim 1 has been amended to recite the subject matter of claims 8 and 9. Thus, this claim now recites that the anode side frame has a plurality of openings and that each opening contains a seal and a fuel cell member. The Examiner acknowledged that this subject matter is not shown or taught in Finn, and relied upon Figure 5 and related text from Steele. A review of Steele shows, however, that this drawing includes cells 24 shown in dashed lines, but no openings. Thus, reconsideration of the rejection of claim 9 as it relates to now independent claim 1 is respectfully requested.

The other independent claim, claim 17, has been amended in similar fashion and is submitted to be allowable over the art of record. Specifically, it is submitted that nothing in the art of record discloses or suggests that the cathode side seal comprises a substantially flat compliant member, and that the anode side frame has a plurality of openings within which anode side seals and fuel cells are positioned, and wherein the cathode side frame and the cathode side seal include openings coinciding with the openings in the anode side frame.

10/577,754

Dated October 14, 2009

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Dependent claim 10 also called for similar subject matter and has been rewritten in independent form. This claim is submitted to be allowable over the art of record.

Based upon the foregoing, it is believed that independent claims 1, 10 and 17 define patentably over the art of record. Dependent claims 2-7 and 11-16 all depend directly or indirectly from claim 1 and are also believed to be allowable.

A two month extension of time has been authorized along with filing of this paper. It is believed that no additional fee is due. If, however, any such fee is due, please charge same to Deposit Account 02-0184.

Respectfully submitted,

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October 14, 2009

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